

March 17, 2008 - Regular Town Council Meeting

At a Regular Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, March 17, 2008 at 7:00 P.M.

Vice Chair Shirley R. Mello, Presiding

Councillor Barbara A. Barrow

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia, Members Present

Council President Paul M. Rodrigues, Absent

Councillor Louis P. DiPalma

ACTING AS A BOARD OF LICENSE COMMISSION

1. Application of Aquidneck Development Company, Inc., d/b/a Lazar's Package Store holder of a Class A Alcoholic Beverage License for premises located at 554 West Main Road, Middletown, to TRANSFER said license to East Bay Ventures, Inc., d/b/a Lazar's Package Store, for use at the same premises. (Requires advertising for public hearing)

On motion of Councillor Santos, duly seconded, it was voted unanimously to advertise said transfer application for a public hearing to be held at the April 7, 2008 regular meeting of the board.

2. Application of East Bay Ventures, Inc. d/b/a Lazar's Package Store, holder of a Class A Alcoholic Beverage License for premises located at 554 West Main Road, Middletown to TRANSFER LOCATION of said license to 1360 West Main Road, Middletown and CHANGE OF DBA to Goode Spirits. (Requires advertising for public hearing and notice to abutters)

On motion of Councillor Santos, duly seconded, it was voted unanimously to advertise said application for a public hearing to be held at the April 7, 2008 regular meeting of the board and to so notify abutters.

CONSENT CALENDAR

Items #2, #4 & #6 were to be considered as a regular Town Council items.

Items #3, #5 & # 7 were reinstated by vote to be acted on as regular Town Council items.

1. Communication of Interim Town Administrator, with enclosures, re: Tax Collector's report for period ending February 29, 2008.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said communication and report.

2. Memorandum of Interim Town Administrator, with enclosures, re: Award of contract for painting of Senior Center Dining Room.

On motion of Councillor Santos, duly seconded, it was voted to receive said memorandum; Councillors Silveira and Sylvia voted NO to said motion.

Proposal referenced in the above memorandum is on file in the Office of the Town Clerk.

Antone Viveiros, 110 Indian Hill Road, expressed concern that the bid did not go to the lowest bidder, but now realizes that the lowest bidder did not post a bond so it went to the next bidder. Mr. Viveiros believes all financial matters should be on the regular Town Council

portion of the docket.

Councillor Silveira expressed concern pertaining to items which include the allocation of funds being placed on the consent calendar.

Councillor Sylvia questioned if the painting could be done in house.

Responding to Councillor inquiry Interim Town Administrator Shawn Brown noted the challenges of performing this task in house. The funding for this project has been set aside.

3. Resolution of the Council, re: Award of contract for painting of Senior Center Dining Room.

Senior Center Director Arleen Kaull addressed the Council noting the room to be painted is very large and has not been painted in (18)

eighteen years.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to reinstate this item for consideration.

On motion of Councillor Barrows, duly seconded, it was voted pass said resolution; Councillors Silveira and Sylvia voted NO to said motion.

Vice Chair Mello recused herself from acting on the next two items of business #4 and #5, due to a possible conflict of interest.

Councillor Sylvia presided over the next two items of business.

4. Memorandum of Interim Town Administrator, with enclosures, re: Award of contract for Campground Roadway & Parking Lot Resurfacing.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

The proposal and summary of bids-line item detail are on file in the Office of the Town Clerk.

Art Benner, Namquid Drive, noted the campground should be supporting/maintaining itself. Keeping the campground up to date makes sense.

Antone Viveiros, 110 Indian Hill Road, expressed concern of a

contract or any money matters being placed on the consent calendar.

Mr. Viveiros believes that the work for the Campground Roadway should wait unless it is a safety hazard.

5. Resolution of the Council, re: Award of contract for Campground Roadway & Parking Lot Resurfacing.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to reinstate this item for consideration.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to pass said resolution.

Vice Chair Mello presiding.

6. Memorandum of Interim Town Administrator, with enclosures, re: Purchase of New Police Vehicle.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

7. Resolution of the Council, re: Purchase of New Police Vehicle.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to reinstate this item for consideration.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

8. Communication of Lori Verderosa, SPF Manager, MSAPTF Coordinator, re: Requesting passage of a resolution opposing an amendment to RISAPA and restore proposed cuts to MSAPTF.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said communication.

9. Resolution of the Council, re: Opposing an amendment to RISAPA and restore proposed cuts for Municipal Substance Abuse Prevention Task Forces (MSAPTF).

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

10. Memorandum of Interim Town Administrator, with enclosures, re: Application of Tobacco Control Mini Grant.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

11. Applications received from the following named persons, firms or corporations for RENEWAL of Amusement Licenses for the 2008-2009 licensing year. (See attached list)

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said licenses.

12. Applications received from the following named persons, firms or corporations for RENEWAL of Holiday Licenses for the 2008-2009

licensing year. (See attached list)

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said licenses.

13. Applications received from the following named persons, firms or corporations for RENEWAL of Sunday Selling Licenses for the 2008-2009 licensing year. (See attached list)

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said licenses.

14. Application for Special Events Permit received from Middletown Education Collaborative, Duck Race, Third Beach on Sunday, July 27, 2008 from 5:00 pm to 7:00 pm.

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said Special Event Permit and waive permit fee.

TOWN COUNCIL

1. Memorandum of Town Planner, with enclosures, re: FY2008 Small Cities Community Development Block Grant Application (CDBG) – Project priorities.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

Town Planner Ronald Wolanski addressed the Council reviewing the CDBG – Project priorities entered here:

2. Public Hearing (Advertised)

Town of Middletown application for Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$250,000.

Public Hearing declared open.

Councillor Barrow's questioned the project Child & Family Services would be using their request for.

Responding to Councillor Barrows question was Keith Tavares, Vice President of Child & Family Services noting that the monies will be used towards a new building. The monies will not be used for a curb cut on Valley road.

Manny Mello, 31 North Beacon Terrace, noted that the Roads & Utilities committee is against a curb cut on Valley road.

There being no other persons present desiring to be heard on the

matter, public hearing was declared closed.

3. Memorandum of Chairman, Middletown Planning Board, with enclosure, re: Proposed Comprehensive Plan amendment, U.S. Navy property along and fronting on Defense Highway (aka Burma Rd.) and Greene Lane, Plat 104, Lot 2 & a portion of Plat 102, Lot 1, Proposal for changes in designation on the Future Land Use Plan. (Requires Advertising for Public Hearing and Notice to Abutters)

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum, to advertise said proposed amendment for a public hearing to be held at the April 21, 2008 regular meeting of the Council and to so notify the properties' abutters.

4. Memorandum of Interim Town Administrator, with enclosures, re: Middletown Police Facility –Owner's Representative Services.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

Proposals and Deputy Finance Director's memorandum referenced in the above memorandum are on file in the Office of the Town Clerk.

5. Resolution of the Council, re: Middletown Police Facility – Owner's Representative Services.

On motion of Councillor Santos, duly seconded, it was voted unanimously to pass said resolution.

Vice Chair Mello recused herself from acting on the next two items of business #6 and #7, due to a possible conflict of interest.

Councillor Sylvia presided over the next two items of business.

6. Memorandum of Interim Town Administrator, with enclosures, re: RFP Reconstruction of Tennis and Basketball Courts.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum.

Proposals referenced in the above memorandum are on file in the Office of the Town Clerk.

Antone Viveiros, 110 Indian Hill Road, questioned the materials the Town will receive for \$256,875.

Responding to Mr. Viveiros was Edward Collins, Director of Facilities Management, Middletown Public School Department. Mr. Collins noted the bid covers all materials within the bid.

Manny Mello, 31 Beacon Terrace, expressed concern for fixing the courts at the West Main Road Recreation Complex.

7. Resolution of the Council, re: RFP Reconstruction of Tennis and Basketball Courts.

On motion of Councillor Barrows, duly seconded, it was voted unanimously to pass said resolution.

Vice Chair Mello presiding.

8. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 91A, Fire Alarm Users, as amended.

On motion of Councillor Santos, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

9. Appointment of one (1) member to the Middletown Board of Canvassers for a term expiring March 2014. (Bi-partisan Board).

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint Mary F. Hannon to said board for a term expiring March 2014.

10. Petition of The National Grid Electric Company and Verizon for relocation of joint pole location on Forest Avenue.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive and approve said petition as amended by

Roads and Utilities committee.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the Town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

Art Benner, 3 Namquid Drive, informed the Council that Ms. Irene Merker has passed away. Ms. Merker was very active in the upkeep of Town gardens.

Ron Santa, 277 Turner Road, addressed the Council noting that he does not agree with financial matters being placed on the docket consent calendar. Mr. Santa suggests that in the future all financial contracts be place on the regular docket.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4. and 42-46-5. (a) (2) collective bargaining and (1) Personnel, Town Administrator Search.

On motion of Councillor Santos, duly seconded, it was voted unanimously to recess this meeting at 8:00 P.M. to meet in executive session pursuant to docket item entered above.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reconvene this meeting in open session at 8:47 P.M.

On motion of Councillor Santos, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

On motion of Councillor Santos, duly seconded, it was voted unanimously to adjourn this meeting at 8:50 P.M.

Wendy J.W. Marshall, CMC

Council Clerk